

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TONY LAMAR CARD,

Plaintiff,

v.

TACOMA MUNICIPAL COURT, et al.,

Defendants.

CASE NO. 3:23-cv-5781-DGE

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Grady J. Leupold, United States Magistrate Judge. (Dkt. No. 13.)

On August 29, 2023, Plaintiff filed an application to proceed *in forma pauperis*. (Dkt. No. 1.) Plaintiff included with his application a proposed complaint. (Dkt. No. 1-1.) On September 12, 2023, Plaintiff filed a proposed amended complaint. (Dkt. No. 4.) On October 17, 2023, Judge Leupold issued an order finding the proposed amended complaint was incoherent and failed to meet the pleading requirements of Federal Rule of Civil Procedure 8. (Dkt. No. 9 at 3.) Judge Leupold further noted Plaintiff supplemented his proposed complaint with hundreds of pages of exhibits. (*Id.*; see Dkt. Nos. 4–6.) Judge Leupold determined the additional proposed exhibits continued to raise concerns regarding the requirements of Federal


1 Rule of Civil Procedure 8. (Dkt. No. 9 at 3.) Plaintiff was granted leave to file a new proposed  
2 amended complaint to address the deficiencies noted. (*Id.*)

3 On November 20, 2023, Judge Leupold issued his R&R wherein he noted that Plaintiff  
4 failed to file a new amended complaint. (Dkt. No. 13 at 2.) On December 4, 2023, Plaintiff  
5 responded to the R&R by filing a 166 page “Affidavit of Truth.” (Dkt. No. 14.) As with his  
6 prior proposed amended complaint, the “Affidavit of Truth” is difficult, if not impossible, to  
7 follow. It fails to address the deficiencies outlined in Judge Leupold’s October 17, 2023 Order  
8 and the R&R.

9 The Court, having considered *de novo* the R&R and the remaining record, does hereby  
10 find and ORDER:

- 11 (1) The Report and Recommendation (Dkt. No. 13) is ADOPTED;  
12 (2) Plaintiff’s Application to Proceed *In Forma Pauperis* (Dkt. No. 1) is DENIED  
13 and the case is dismissed without prejudice; and  
14 (3) The Clerk SHALL enter judgment and close this case.  
15 (4) The Clerk SHALL forward a copy of this Order to Magistrate Judge Grady J.  
16 Leupold.

17 **DATED** this 8th day of January, 2024.

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20 David G. Estudillo  
21 United States District Judge  
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